

IV. REMARKS

Claims 1, 4, 21-24 and 34-42 are pending in this application. By this Amendment, claims 1 and 21-22 have been amended, claims 2-3, 5-20 and 25-33 have been cancelled, and claims 34-42 have been added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicants acknowledge the election of Group I, claims 1-4 and 21-33.

In the office action, the title was objected to as being non-descriptive. By this amendment, Applicants have revised the title to be more indicative of the claimed invention.

In addition, claims 21 and 22 were objected to because of informalities. Claims 21 and 22 have been revised to incorporate the Office's suggestion.

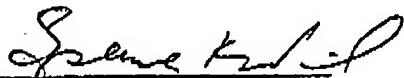
In the Office Action, claims 1-4, 21-22, and 27-30 are rejected under 35 U.S.C. §102(e) as being anticipated by Chittipeddi (PN 6,426,263), and claims 1-4, 21-33 are rejected under 35 U.S.C. §102(b) as being anticipated by Hu (PN 6,100,185). Applicants submit that the pending claims are not anticipated by the above two patents. In particular, with regard to claim 1, the invention has the advantage of, *inter alia*, creating a contact that contacts only one of the diffusion and the gate electrode, as illustrated in Fig. 19 and Fig. 20 respectively. One of the technological advances of this invention is to eliminate the possible imprecision of lithography techniques. The method is applicable to the processing of both a semiconductor with a contact that contacts only a gate electrode, and a semiconductor with a contact that only contacts a diffusion adjacent to the gate electrode. The two types of the semiconductors produced thus have the unique physical characteristics and electrical functions.

In contrast, Chittipeddi is a method to make a contact window that merges the contacts to the gate electrode and the drain. (Note Col. 3, lines 65-66). In contrast, the invention discloses how to separate the contacts to a gate electrode and a drain, given the imprecision of lithography techniques. The semiconductor under Hu's method realizes the interconnection between the gate of one transistor to the diffusion region of another transistor. (Note Col. 4, lines 37-39). Again, the invention relates to generating a distinct contact to a gate electrode or diffusion. In addition, the figure in Hu upon which the Office relies to assert disclosure of this invention is based on an intermediate step of Hu's method, not its final product. Hu's final product is substantially different than the claimed invention. Furthermore, both Chittipeddi and Hu fail to disclose the capping of the gate electrode when the contact contacts the diffusion, or the capping of the gate electrode when the contact contacts the diffusion, because neither requires this structure. In view of the foregoing, Applicants request withdrawal of this rejection.

With regard to new claims 34-42, these claims are believed to be within the scope of Group I, claims 1-4.

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Spencer K. Warnick
Reg. No. 40,398

Date: 6/3/03

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

FAX RECEIVED

JUN 3 - 2003

TECHNOLOGY CENTER 2800

10/064,316

8